

*Plaintiff's Affidavit, sworn to on
September 6, 1996*

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

[Redacted]
Plaintiff

AFFIDAVIT

v.

Index No. 12595/93

REVEREND PAUL P. SABO
INDIVIDUALLY AND AS PASTOR OF THE
VISITATION ROMAN CATHOLIC CHURCH
LISTED AS DEFENDANT BELOW,
1040 Lovejoy Street
Buffalo, New York 14206

THE VISITATION ROMAN CATHOLIC CHURCH
SOCIETY OF BUFFALO, NEW YORK,
1040 Lovejoy Street
Buffalo, New York 14206

THE DIOCESE OF BUFFALO, NEW YORK
795 Main Street
Buffalo, New York 14203

MOST REVEREND EDWARD D. HEAD, D.D.
INDIVIDUALLY, AS BISHOP OF THE DIOCESE
OF BUFFALO AND AS PRESIDENT OF THE
DIOCESAN CORPORATION
795 Main Street
Buffalo, New York 14203

REVEREND MONSIGNOR ROBERT J. CUNNINGHAM
INDIVIDUALLY, AND AS CHANCELLOR AND VICAR
GENERAL OF THE DIOCESE OF BUFFALO AND AS
SECRETARY OF THE DIOCESAN CORPORATION
795 Main Street
Buffalo, New York 14203

Defendants

Plaintiff's Affidavit, sworn to on
September 6, 1996

Plaintiff, [REDACTED] under penalty of
perjury, deposes and says:

1. I am the Plaintiff in the above-entitled action
and I am a resident of the County of Erie and State of New York.

2. This action was commenced with the filing of the
Summons with Notice at the Erie County Clerk's Office on November
9, 1993 and was filed under Index No. 12595/93.

3. I make this Affidavit in opposition to the moving
Defendants' Motion to Dismiss or in the alternative, Motion for
Summary Judgment.

4. I make this Affidavit of my own personal knowledge
and on information and belief.

5. By late 1987, early 1988, I was suffering from
many emotional and physical problems, all of which were
devastating to me.

6. I was feeling ill physically and psychologically.
I was extremely depressed; I was suicidal.

7. I was offered help and advice by Defendant Sabo.
I had known him off and on for many years in connection with my
frequent work on behalf of the Church.

8. Defendant Sabo represented to me that he was capable of being my therapist, of helping me psychologically and that he would mitigate my problems.

9. He began a course of treatment with me which was apart from any religious counseling that one normally might receive from a priest.

10. At first I considered this pastoral counseling, but then it became obvious that it was more than that and was considered by Defendant Sabo to be the equivalent of psychotherapy.

11. Defendant Sabo, as may be seen by my Complaint, convinced me that he was the only therapist for me, that he knew as much as any psychiatrist, that he would help me as much as any professional and that I must rely on him and him alone.

12. He rejected any medications for me and he of course could not prescribe any for me.

13. He became solely in charge of my life, I had lost all will of my own.

14. I was led to believe that if I did not follow his counseling I would become more ill, I would become more depressed.

and I would become more suicidal and eventually I would lose my life by self-destruction.

15. I was even more devastated during the course of therapy than I had originally been as the years went by and I became more dependent upon Defendant Sabo's advice as to treatment and how I should live my life.

16. I continued to become ill, I became more and more depressed and in subsequent years continued to try to kill myself.

17. As one part of his treatment, Defendant Sabo insisted that sexual relations would improve my self-image because then I would know that I was loved.

18. He not only forced himself upon me, but on several occasions literally raped me.

19. My depression was continuing and was continuing to deepen. I was frightened that I would commit suicide and I would burn in hell as Defendant Sabo had said such was the sin of suicide.

20. By 1990, Defendant Sabo announced that he had entered into another relationship with a woman and she did not feel comfortable with him so close to me.

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21. I was very relieved to have the sexual relationship end, but of course, the counseling continued and even when the counseling ended, Defendant Sabo kept control over me by writing reminders of who he was and by personal contact which gradually diminished into telephone calls and then that further diminished into brief calls.

22. Defendant Sabo falsely represented to me that he was capable of curing me, of making my life whole again or conversely if I were not cooperative with his wishes of treating me, I would sink deeper into depression and self-destruction.

23. I was frightened by the specter of never regaining my mental health, of burning in hell because I disobeyed a priest and of not being good enough for anyone else unless Defendant Sabo made me whole sexually and emotionally.

24. It is these threats of oblivion and doom for me if I did not do what he, the only savior I had, asked me to do, that kept me not only tied to him but unable to take any other steps.

25. There came a point in time when I became so physically ill that my physician insisted that I see a counselor. That counselor then insisted I see a psychiatrist who began to prescribe antidepressants for me. It was after months of trying to adjust the antidepressants to have a positive effect on me and

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after months of therapy that I finally realized that the threat of death was gone and that I might actually survive without Defendant Sabo.

26. It took many months of therapy and of various combinations of antidepressants to have me reach that point where I no longer felt controlled and threatened by Defendant Sabo.

27. Eventually I went to an attorney to file a law suit.

28. I had also gone to Church officials who assured me that they were shocked and dismayed and would see to it that Defendant Sabo received some help and would no longer commit this type of behavior.

29. After being told that the matter would be taken care of by the Church, I was then told that we were consenting adults, it was not the business of the Church and that they would not interfere with what was going on. After the Diocese told me that and that they would not do anything but I might still talk with them about it, but Defendant Sabo was not going to be blamed, this indicated to me that they did not disapprove of the behavior sufficient to even say anything negative to Defendant Sabo. This is a fraud by the Church who teaches us that priests are celibate and that their calling is sacred.

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30. In addition to which, I had been misled by their earlier statements and assurances that something would be done.

31. However, I was also delayed from filing any legal action as I had not yet been made stable by the antidepressant drugs. Dr. Wolin was still trying to adjust the medication so that instead of it making me physically ill, the antidepressants made me emotionally stable.

32. In addition to which Counselor Terhune was working with me to help me remove myself from the influence of Defendant Sabo whom I had felt was my only hope for survival.

33. It was only after considerable time when I began to make progress that I realized others could help me, I did not have to depend on Defendant Sabo and I would not literally die without him.

34. Part of the end of the duress was triggered by working with my therapist. The realization that the next person (a nun) treated in "therapy" by Defendant Sabo was also deeply troubled, was also suicidal and as also explained to me by friends would be dead by suicide without the continuing help of Defendant Sabo.

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35. As I recognized that was exactly what my situation had been, I realized how this con-man worked. I suddenly felt like I had come awake to the reality of how I had been used.

36. It is not the sexual abuse which has harmed me more; I have had to come to terms with the fact that a priest had abused me sexually.

37. What is devastating and more than twice as harmful to me is the fact that I almost lost my life thanks to the mistreatment by this man who represented himself as a competent therapist.

38. I was constantly reminded of Defendant Sabo's hold over me into late 1992 when I last saw him. I was frightened and dismayed at my fear. I was frightened, distraught and depressed as if I was back in time.

39. It was not until the Fall of 1993 when I realized the fraud that had been perpetrated on me and the extent of the damage done to me..

Verification on inside cover.

Plaintiff's Affidavit, sworn to on
September 6, 1996

AFFIRMATION OF SERVICE

MARILYN E. LEW, ESQ., of counsel, Law Offices of SHEILA G. GRAZIANO, ESQ., attorney for Plaintiff, [REDACTED] affirms under penalty of perjury, that I caused a copy of the within Attorney's Affirmation, Plaintiff's Affidavit in Opposition to Defendant's Motion to Dismiss, Cross-Motion to Compel and Plaintiff's Memorandum of Law to be served upon counsel for moving Defendants, THE VISITATION ROMAN CATHOLIC CHURCH SOCIETY OF BUFFALO, NEW YORK, THE DIOCESE OF BUFFALO, NEW YORK, MOST REVEREND EDWARD D. HEAD, D.D., individually and as Bishop of the Diocese of Buffalo and as President of the Diocesan Corporation and REVEREND MONSIGNOR ROBERT J. CUNNINGHAM, individually and as Chancellor and Vicar General of the Diocese of Buffalo and as Secretary of the Diocesan Corporation, by hand delivery to CONNORS & VILARDO, 1020 Liberty Building, Buffalo, New York 14202, on the 9th day of September, 1996.

Marilyn E. Lew

MARILYN E. LEW

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September 6, 1996*

AFFIRMATION OF SERVICE

MARILYN E. LEW, ESQ., of counsel, Law Offices of SHEILA G.

GRAZIANO, ESQ., attorney for Plaintiff, [REDACTED] affirms under penalty of perjury, that I caused a copy of the within Attorney's Affirmation, Plaintiff's Affidavit in Opposition to Defendant's Motion to Dismiss, Cross-Motion to Compel and Plaintiff's Memorandum of Law to be served upon counsel for Defendant, REVEREND PAUL P. SABO, individually and as Pastor of VISITATION ROMAN CATHOLIC CHURCH by hand delivery to SCINTA, RINALDO & DEE, 305 Elmwood Avenue, Buffalo, New York 14222, on the 9th day of September, 1996.

Marilyn E. Lew

MARILYN E. LEW

**Plaintiff's Affidavit, sworn to on
September 6, 1996**

INDIVIDUAL VERIFICATION

STATE OF NEW YORK

COUNTY OF ERIE

CITY OF BUFFALO

SHARON BRENNAN

, being duly sworn, deposes and says: that deponent is in the within action; that deponent has read the foregoing AFFIDAVIT and knows the contents thereof; that the same is true to deponent's own knowledge, e

formation and belief, and that as to those matters deponent believes it to be true.

worn to before me this 6th day of September, 1996.

Dorina J. Burdick commission expires

Notary Public State of New York:

Originally qualified in ERIE

STATE OF NEW YORK

COUNTY OF

OF

DONNA J. BURDICK
Notary Public, State of New York
Qualified in Erie County
My Commission Expires October 29, 1996

PLAINTIFF

[Redacted]

CORPORATION VERIFICATION

STATE OF NEW YORK

COUNTY OF

OF

, being duly sworn, deposes and says: that deponent is

the corporation named in the within action; that deponent has read the foregoing and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters deponent believes it to be true.

This verification is made by deponent because

Deponent is an officer thereof, to-wit its

stated upon deponent's knowledge are as follows:

is a corporation.

The grounds of deponent's belief as to all matters not

worn to before me, this

day of 19

My commission expires.

Notary Public State of New York:

Originally qualified in _____ County.

CERTIFICATION BY ATTORNEY

The undersigned, an attorney admitted to practice in the Courts of New York State, certifies that the within

has been compared by the undersigned with the original and found to be a true and complete copy.

ATED:

AFFIRMATION BY ATTORNEY

The undersigned, an attorney admitted to practice in the Courts of New York State, shows: that deponent(s) is (are) the attorney(s) of record in the within action; that deponent has read the foregoing and knows the contents thereof; that the same is true to deponent's own knowledge, except as to matters therein stated to be alleged upon information and belief, and as to those matters deponent believes it to be true. Deponent further says that the reason this verification is made by deponent and not by _____ is that there is no officer presently in Erie County.

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows:

The undersigned affirms that the foregoing statements are true, under penalty of perjury.

ATED:

AFFIDAVIT OF PERSONAL SERVICE (WITH DESCRIPTION)

STATE OF NEW YORK

COUNTY OF

OF

ss.:

, being duly sworn, deposes and says: that he (she) is over 18 years of age, and not a party to the action; that he (she) served the annexed _____ on the defendant _____, named herein, by personally delivering to and leaving a true copy thereof with _____ on the _____ day of _____, 19_____, at _____ A.M.(P.M.) at _____ and that he (she) knew the person so served to be the person described as the defendant therein.

The description of the person served above is: Sex _____; Skin color _____; Hair color _____; Approx. age _____; approx. weight _____; Approx. height _____; Other identifying features _____

my best knowledge, information and belief the said defendant at the time of service was not engaged in the military service of the United States.

worn to before me, this day of 19

My commission expires

Notary Public State of New York:

Originally qualified in _____ County.